

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Project Proposal:** Amendments to the City of Seattle Land Use Code, Title 23, to define transitional encampments as a use intended for temporary sleeping and shelter, including defining what activities and development may accompany the encampment, and providing minimum standards for their location as a use accessory to religious facilities.

**Project Sponsor:** City of Seattle Department of Planning and Development

**Location of Proposal:** The proposal is a non-project action, applicable in all zones throughout the City.

**SUMMARY OF PROPOSED ACTION**

The proposal is a non-project action, applicable in all zones, which would amend the Land Use Code to define transitional encampments as a use intended for temporary sleeping and shelter, including defining what activities and development may accompany the encampment and providing minimum standards for their location as a use accessory to religious facilities.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION**    ☐ Exempt ☒ DNS        ☐ MDNS        ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND**

**Proposal Description**

The proposal would amend Seattle Land Use Code sections 23.43.040, 23.50.012, and 23.84A.038 and add new Sections 23.42.054, 23.44.053, 23.45.595, and 23.47A.036, to permit transitional encampments for homeless individuals as a use accessory to religious facilities. Specifically, the amendments would:

- define a “transitional encampment” use as a use providing temporary quarters for sleeping and shelter and describing the activities and development that are associated with the encampment;
- allow the use to locate on sites owned or occupied by a religious facility, in all zones;
- add specific standards for operation of the encampment to address site management and operations, maintenance, and hygiene.

Transitional encampments would be required to meet a variety of conditions relating to fire, safety, and health, including:

- a maximum of 100 occupants;
- proper provision of fire extinguishers and first-aid kits;
- establishment of access aisles and appropriate power protection devices;
- distribution of health or safety information to encampment residents;
- provision of toilets, running water, and garbage collection according to specific standards;
- standards for cooking facilities, if provided;
- allowing City and County officials to inspect encampment sites to determine compliance with these conditions, as well as inspection of the encampment site by DPD prior to commencing encampment operations.

In addition to the specific standards required by the proposed amendments, it is expected that religious facilities will enter into hosting agreements with encampment operators that will address encampment rules for the purpose of promoting good neighbor relations. These agreements between religious facilities and encampment operators have been used in the past and typically include prohibitions on alcohol, drugs, and possession of weapons; rules for children within the encampment; prohibitions on sex offenders within the encampment; and regulations of behavior limiting verbal abuse, yelling, and intimidating or degrading remarks directed to members of the religious facility, other encampment inhabitants, or the public.

#### Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed text changes during future Council hearings.

#### **ANALYSIS - SEPA**

This proposal is an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated June 1, 2011. The information in the checklist, a copy of the proposed text changes, the Director’s Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to amend the Code to define transitional encampments as a use intended for temporary sleeping and shelter, including defining what activities and development may accompany the encampment and providing minimum standards for their location as a use accessory to religious facilities in all zones. This amendment may result in potential impacts and warrants further discussion.

## **ELEMENTS OF THE ENVIRONMENT**

Adoption of the proposed Land Use Code amendments would not result in short-term adverse impacts, because the adoption would be a non-project action. Long-term impacts could potentially result from differences in future development due to the proposed amendments, and are discussed below.

### **Natural Environment**

#### **Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials**

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants and animals, energy, natural resources, environmentally sensitive areas, noise, or releases of toxic or hazardous materials. The proposed amendment is a non-project action that would amend the Land Use Code to define a transitional encampment as a use intended for temporary sleeping and shelter, including defining what activities and development may accompany the encampment and providing minimum standards for its location as a use accessory to religious facilities in all zones. Some elements of the natural environment on future sites could be impacted by the proposed text amendments; however, as the legislation would limit the number of occupants at any one site to 100, the impact of a given encampment site is expected to be minor. Allowing such encampments accessory to religious facilities in all zones throughout the City is expected to broadly distribute the actual siting of specific encampments, avoiding possible cumulative impacts from large numbers of encampment sites in a given area. Development of specific projects on individual sites would be subject to the City's existing regulations, such as the Stormwater, Grading, and Drainage Ordinance, the Environmentally Critical Areas Ordinance, and the Noise Ordinance, and would be subject to environmental review if they meet or exceed environmental review thresholds.

### **Built Environment**

#### **Land & Shoreline Use, Height/Bulk/Scale**

The proposal does not involve changes of use, but simply clarifies existing practice involving sponsorship of encampments by religious facilities. As the proposal would not allow permanent structures, the amendments are not expected to alter the height, bulk, or scale of a proposed development. The proposal is unlikely to cause a shift in development or land use patterns in a given area; any impacts to land or shoreline use are expected to be minimal. Development of

specific projects on individual sites is subject to the City's existing regulations and also will be subject to environmental review if they meet or exceed environmental review thresholds.

### **Transportation, Public Services and Utilities**

The proposed Code amendments would result in minimal direct impacts and are unlikely to result in indirect or cumulative significant adverse impacts related to transportation or public services and utilities. The properties that could be affected by the legislation are served by various levels of public transportation depending on the location and density of the neighborhood. The proposal likely will result in a slight increase in the number of vehicular trips for any site on which an encampment regulated by the proposed legislation would be located; however, this increase is not expected to be significant. Most occupants of an encampment are expected to use public transit. As the number of occupants of a particular encampment site is limited to 100, it is unlikely that additional transit trips on any given route would be substantial, or would result in a significant adverse impact on transit. No parking would be added or eliminated by this non-project action, nor would any parking requirements change.

The proposed amendments would change potential demand for public services on a site where an encampment would be located, but the change is not expected to be significant, due to the limit on occupancy of any one encampment. A small increase in demand on public services such as fire and public health may occur as encampments are inspected to ensure code requirements are met, but this increase is unlikely to be significant. The proposal is not expected to change potential demand for utility services, which are decided on a site-by-site basis. Development of specific projects on individual sites is subject to the City's existing regulations and will be subject to environmental review if they meet or exceed environmental review thresholds.

### **Conclusion**

The proposed code amendments involve clarification in the Land Use Code of existing practice regarding siting of encampments as accessory to religious facilities and involve no permanent development. Most encampment residents will utilize public transportation and impacts on traffic and parking are not expected to be significant. Similarly, demands for public services on a site may increase, but due to limited numbers of encampment occupants and lack of permanent development, the changes are not expected to be significant. For these reasons, the proposed code amendments are expected to have minimal impacts on both the natural and the built environment.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

**RECOMMENDED CONDITIONS - SEPA**

None.

Signature: \_\_\_\_\_ (Signature on File)  
John G. Shaw, Senior Transportation Planner  
Department of Planning and Development

Date: June 13, 2011